

NOTICE OF ORDER

WILDLIFE & COUNTRYSIDE ACT – SECTION 53

Devon County Council

(Footpath Nos. 60 and 61, Luppitt) Definitive Map Modification Order 2017
AND (Footpath No. 62, Luppitt) Definitive Map Modification Order 2017

Notice is hereby given that the above referenced Orders have been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Orders.

The **start date** for the above Orders is **14 August 2019**.

Consideration of the Orders will take the form of a public local inquiry.

The Inquiry will be held at **Mackarness Hall, High Street, Honiton, Devon, EX14 1PG** on **Wednesday 12 February 2020** at 10.00am.

The effect of the first Order, if confirmed without modifications, will be to modify the Definitive Map and Statement for the area by adding:

Footpath No. 60, Luppitt from the minor road to Beacon north of Langford Bridge on the River Otter (GR ST 17230242), crossing fields and along a track passing the buildings of Woodhayes to the end of Footpath No. 61, Luppitt (GR ST 17430318), then through fields into the woods on the lower slopes of the open common land on Dumpdon Hill and onto a track passing between the buildings of Higher Wick Farm to the minor road northeast of Wick Cross (GR ST 17180472);

Footpath No. 61, Luppitt from the minor road south of Wick Cross near Lower Wick Farm along an access track to Stockers Farm (GR ST 17110383), passing between the farm buildings and crossing fields to Crown All Wood, continuing alongside the southwest boundary of the wood and across a field to end on Footpath No. 60, at a gateway in the field boundary on the end of a track (GR ST 17430318); and

The effect of the second Order, if confirmed without modifications, will be to modify the Definitive Map and Statement for the area by adding:

Footpath No. 62, Luppitt from Footpath No.1 on a track leading from the minor road in Luppitt village, Church Hill (GR ST 16880651), generally southwestwards crossing four fields to a gateway on the minor road north of Meadow Croft, point J (GR ST 16460577).

Any queries relating to these Orders should be referred to Helen Sparks at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5646.

Email: helen.sparks@planninginspectorate.gov.uk Please quote reference numbers ROW/3188550R & ROW/3188551R on all correspondence.

Any person wishing to view the statements of case and other documents relating to these Orders may do so by appointment at the offices of:

- Devon County Council, Public Rights of Way Section, ABG Lucombe House, County Hall, Exeter between the hours of 9am and 4pm, Monday to Friday;
- East Devon District Council, Knowle, Sidmouth, between the hours of 8.30am and 5pm, Monday to Friday; and
- the Clerk to Luppitt Parish Council, by appointment.

To arrange a viewing of the documents at Devon County Council's offices, please contact Mr Thomas Green on Telephone Number 01392 383000 and e-mail address thomas.green@devon.gov.uk

As the Authority have indicated that they will not be supporting the Order at the Inquiry, the case for the Order will be presented by Mrs Sue Rumfitt (on behalf of the East Devon Group, Ramblers and Mrs Rosemary Kimbell). She will be expected to adhere to the following timetable as if she was the Authority.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by [by 9 October 2019]

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents - these will be available to view at the Authority's offices) to everyone who has made an objection or representation and the applicant and any other person who has written to us in respect of the Orders.

Within 14 weeks of the start date [by 20 November 2019]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case¹ is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in

¹ If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

respect of the Orders (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Orders (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

4 weeks before the date of the inquiry [by 15 January 2020]

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

DATED 17th March 2017

WILDLIFE AND COUNTRYSIDE ACT 1981
COUNTY OF DEVON DEFINITIVE MAP AND STATEMENT
DEVON COUNTY COUNCIL
(FOOTPATH Nos. 60 and 61, LUPPITT)
DEFINITIVE MAP MODIFICATION ORDER 2017

County Solicitor
Devon County Council
County Hall
Exeter
Devon
EX2 4QD



WILDLIFE AND COUNTRYSIDE ACT 1981
COUNTY OF DEVON DEFINITIVE MAP AND STATEMENT
DEVON COUNTY COUNCIL
(FOOTPATH Nos. 60 and 61, LUPPITT)
DEFINITIVE MAP MODIFICATION ORDER 2017

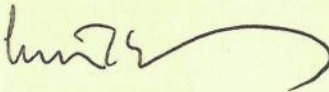
This Order is made by Devon County Council under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to the Secretary of State, who has directed the authority to that effect under paragraph 4(2) of Schedule 14 to the Act, that the County of Devon Definitive Map and Statement require modification in consequence of the occurrence of an event specified in section 53(3)(c)(i) namely, the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path.

The Authority has consulted with every local authority whose area includes the land to which the Order relates. The Devon County Council hereby order that:

1. For the purposes of this Order the relevant date is 2nd March 2017
2. The County of Devon Definitive Map and Statement shall be modified as described in Parts I and II of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the Devon County Council (Footpath Nos. 60 and 61, Luppitt) Definitive Map Modification Order 2017.

DATED this 17th day of March 2017

THE COMMON SEAL of the DEVON COUNTY)
COUNCIL was hereunto affixed in the)
presence of: -)


A Duly Authorised Officer

DOCUMENT NO. 47917



SCHEDULE

PART I

MODIFICATION OF DEFINITIVE MAP

DESCRIPTION OF PATHS TO BE ADDED

Footpath No. 60, Luppitt

This path is a Footpath. It is situated in the administrative district of East Devon and in the parish of Luppitt. It starts from the minor road to Beacon north of Langford Bridge on the River Otter, point R on plan no. HIW/PROW/17/02 (GR ST 17230242), proceeding generally northwards through a gateway and crossing two fields, turning northeastwards along an access track passing to the northwest of the buildings of Woodhayes. It continues along the track to the north of the buildings, turning north-northeastwards across a field to the end of Footpath No. 61, Luppitt at a gateway on the end of a track, point Q (GR ST 17430318) and through a field, then turning generally northwards across a field and through a gateway leading into the woods on the lower slopes of the open common land on Dumpdon Hill. It turns generally northwestwards to follow a track above the wooded boundary and then through woodland onto a track passing between the buildings of Higher Wick Farm to end on the minor road northeast of Wick Cross, point S (GR ST 17180472).

The length of the path to be added is approximately 2,230 metres with a width varying between 5-6 metres where defined by the surface of the farm access tracks and 2 metres where undefined crossing the fields.

The path is shown on the plan as a broken black line with short intervals.

Footpath No. 61, Luppitt

This path is a Footpath. It is situated in the administrative district of East Devon and in the parish of Luppitt. It starts from the minor road south of Wick Cross near Lower Wick Farm at a gateway for an access track to Stockers Farm, point U on plan no. HIW/PROW/17/02 (GR ST 17110383) proceeding generally southeastwards along the track and through a gateway, passing between the buildings of Stockers Farm and crossing three fields through gateways to the edge of Crown All Wood. It continues generally southwards through the wood alongside the southwest boundary, then turning south-southeastwards to run across a field to end on Footpath No. 60, at a gateway in the field boundary on the end of a track, point Q (GR ST 17430318).

The length of the path to be added is approximately 780 metres with a width varying between 5 metres where defined by the surface of the farm access track and 2 metres where undefined crossing the fields.

The path is shown on the plan as a broken black line with short intervals.

PART II

MODIFICATION OF DEFINITIVE STATEMENT

VARIATION OF PARTICULARS OF PATHS

Footpath No. 60, Luppitt

From: Minor road, north of Langford Bridge

To: Minor road, northeast of Wick Cross

This path is a Footpath. It starts from the minor road to Beacon north of Langford Bridge on the River Otter, proceeding generally northwards through a gateway and crossing two fields, turning northeastwards along an access track passing to the northwest of the buildings of Woodhayes. It continues along the track to the north of the buildings, turning north-northeastwards across a field to the end of Footpath No. 61, Luppitt at a gateway on the end of a track and through a field, then turning generally northwards across a field and through a gateway leading into the woods on the lower slopes of the open common land on Dumpdon Hill. It turns generally northwestwards to follow a track above the wooded boundary and then through woodland onto a track passing between the buildings of Higher Wick Farm to end on the minor road northeast of Wick Cross.

It is approximately 2,230 metres long with a width varying between 5 and 6 metres where defined by the surface of the farm access track and 2 metres where undefined crossing the fields. It has a surface mainly of stone on the access track with grass, earth and stone in the fields.

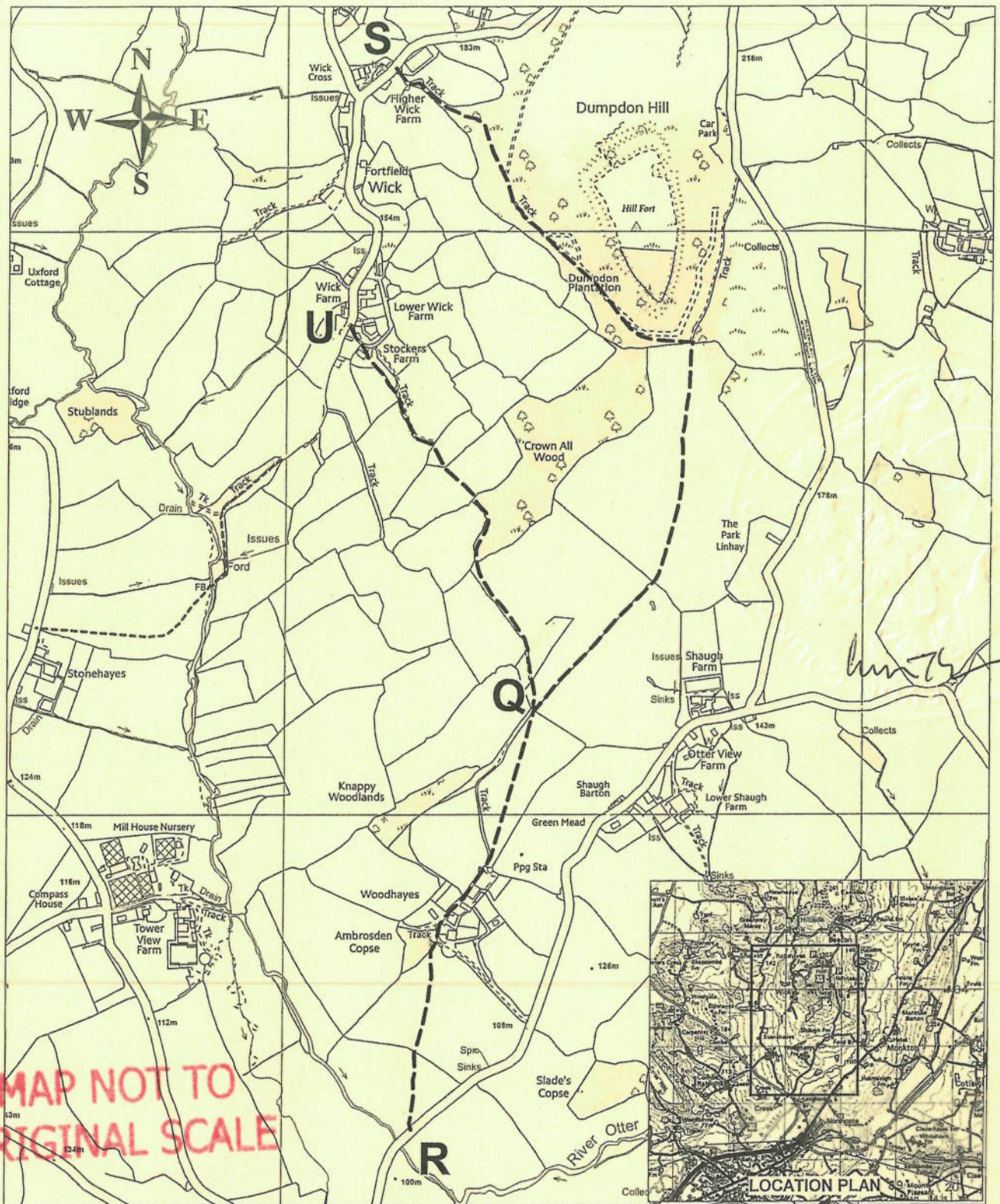
Footpath No. 61, Luppitt

From: Minor road, south of Wick Cross

To: Footpath No. 60

This path is a Footpath. It starts from the minor road south of Wick Cross near Lower Wick Farm at a gateway for an access track to Stockers Farm, proceeding generally southeastwards along the track and through a gateway, passing between the buildings of Stockers Farm and crossing three fields through gateways to the edge of Crown All Wood. It continues generally southwards through the wood alongside the southwest boundary, then turning south-southeastwards to run across a field to end on Footpath No. 60, at a gateway in the field boundary on the end of a track.

It is approximately 780 metres long with a width varying between 5 metres where defined by the surface of the farm access tracks and 2 metres where undefined crossing the fields. It has a surface mainly of stone on the access tracks with grass, earth and stone in the fields.



MAP NOT TO ORIGINAL SCALE

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DEVON COUNTY COUNCIL
(Footpath Nos. 60 & 61, Luppitt)
Definitive Map Modification Order 2017

drawing number HIW/PROW/17/02
 date Jan 2017
 scale 1:10,000
 drawn by NSC

Notation Footpaths to be added
 (Luppitt No. 60 R-Q-S;
 Luppitt No. 61 U-Q)
 Existing footpath

David Whitton
 HEAD OF HIGHWAYS,
 INFRASTRUCTURE DEVELOPMENT AND WASTE



DATED 17th March 2017

WILDLIFE AND COUNTRYSIDE ACT 1981
COUNTY OF DEVON DEFINITIVE MAP AND STATEMENT
DEVON COUNTY COUNCIL
(FOOTPATH No. 62, LUPPITT)
DEFINITIVE MAP MODIFICATION ORDER 2017

County Solicitor
Devon County Council
County Hall
Exeter
Devon
EX2 4QD



WILDLIFE AND COUNTRYSIDE ACT 1981
COUNTY OF DEVON DEFINITIVE MAP AND STATEMENT
DEVON COUNTY COUNCIL
(FOOTPATH No. 62, LUPPITT)
DEFINITIVE MAP MODIFICATION ORDER 2017

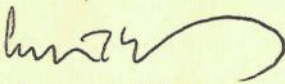
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The Authority has consulted with every local authority whose area includes the land to which the Order relates. The Devon County Council hereby order that:

1. For the purposes of this Order the relevant date is 2nd March 2017
2. The County of Devon Definitive Map and Statement shall be modified as described in Parts I and II of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the Devon County Council (Footpath No. 62, Luppitt) Definitive Map Modification Order 2017.

DATED this 17th day of March 2017

THE COMMON SEAL of the DEVON COUNTY)
COUNCIL was hereunto affixed in the)
presence of: -)


A Duly Authorised Officer



DOCUMENT No. 47916

SCHEDULE

PART I

MODIFICATION OF DEFINITIVE MAP

DESCRIPTION OF PATH TO BE ADDED

Footpath No. 62, Luppitt

This path is a Footpath. It is situated in the administrative district of East Devon and in the parish of Luppitt. It starts from Footpath No. 1 on a track leading from the minor road in Luppitt village, Church Hill, point I on plan no. HIW/PROW/17/05 (GR ST 16880651), proceeding generally southwestwards through a gateway and across a field, then crossing over a stream and turning southeastwards across the corner of a field and crossing an access track. It turns generally southwestwards to continue across a field and through a gateway, then across two fields and crossing a stream, then through a gateway to end at the minor road north of Meadow Croft, point J (GR ST 16460577).

The length of the path to be added is approximately 925 metres with a width of 2 metres where undefined crossing the fields.

The path is shown on the plan as a broken black line with short intervals.

PART II

MODIFICATION OF DEFINITIVE STATEMENT

VARIATION OF PARTICULARS OF PATH

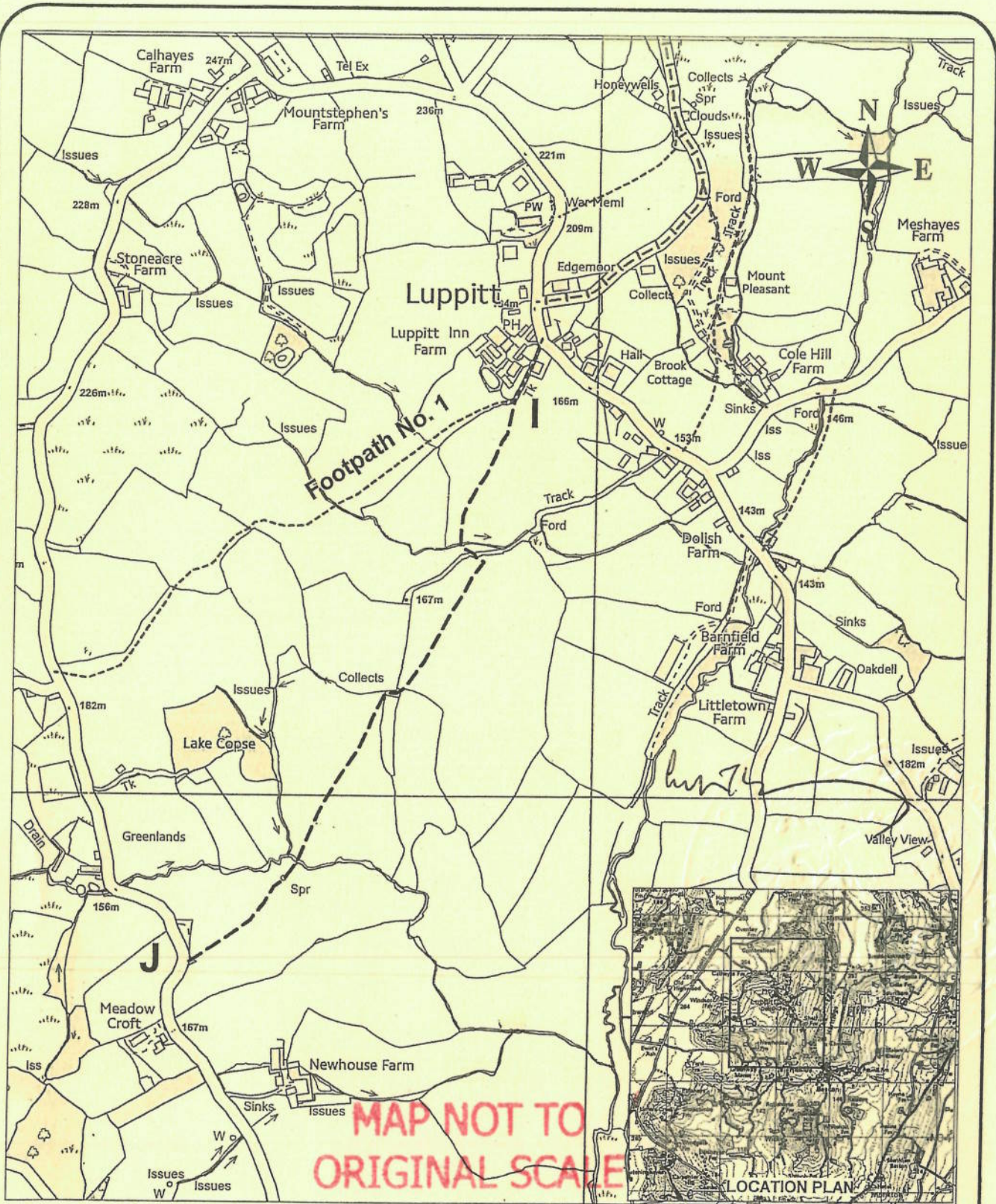
Footpath No. 62, Luppitt

From: Footpath No. 1, Luppitt

To: Minor road, north of Meadow Croft

This path is a Footpath. It starts from Footpath No. 1 on a track leading from the minor road in Luppitt village, Church Hill, proceeding generally southwestwards through a gateway and across a field, then crossing over a stream and turning southeastwards across the corner of a field and crossing an access track. It turns generally southwestwards to continue across a field and through a gateway, then across two fields and crossing a stream, then through a gateway to end at the minor road north of Meadow Croft.

It is approximately 925 metres long with a width of 2 metres where undefined crossing the fields. It has a surface mainly of grass, earth and stone in the fields.



map ref ST1605- 06/1705-06

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DEVON COUNTY COUNCIL
(Footpath No. 62, Luppitt)
Definitive Map Modification Order 2017

<u>Notation</u>	Footpath to be added (Luppitt No. 62, I-J)	-----
	Existing footpaths	-----
	Existing bridleways	•••••

drawing number	HIW/PROW/17/05
date	Jan 2017
scale	1:7,500
drawn by	NSC

David Whitton
 HEAD OF HIGHWAYS,
 INFRASTRUCTURE DEVELOPMENT AND WASTE

